IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2556 OF 2006

Ram Gogan Ambalia @ Ram Govind Ahir — Applicant

versus

The State of Maharashtra — Respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th August 2006

PC :

1. Heard learned advocate for the applicant and the learned APP for State. Perused the application and the order passed by learned Judge in Bail Application No.8 of 2006 in MCOC Special Case No.3 of 2006.

2. The learned Judge held that considering the material collected during investigation and the statutory prohibition contained in Section 21(4) of MCOC Act the request to enlarge the applicant on bail has to be rejected.

3. In my view the complainant having identified

the applicant so also in the light of the confessional statement of the co-accused, a prima facie case for applying the relevant provisions of MCOC Act is made out. The allegation is that the applicant along with others armed with weapons opened the table drawer and took out cash and rough diamonds. The benefits from the said crime were shared as per the confessional statement of the co-accused. The mobile phone has been seized at the instance of the applicant-accused and perusal of the sim card revealed that the same was used to communicate with other accused. Prima facie, therefore, the learned Judge heid that continuing unlawful activity of crime syndicate of which the applicant was a member, makes out a case for conviction under section 3(1) of the MCOC Act. In such circumstances, the learned Judge was right in rejecting the application of the applicant for being enlarged on bail.

4. I am not able to accede to the submissions of the advocate for the applicant with regard to admissibility of the confessional statement of the co-accused, which according to her, has been retracted, because at this stage, the evidentiary value of the material is not to be gone into.

That apart, there are other materials which involve and identify the applicant, prima facie, with the crime. No case is therefore made out for enlargement on bail. Application rejected.

(S.C.DHARMADHIKARI, J.)